



COMMONWEALTH OF KENTUCKY
OFFICE OF THE ATTORNEY GENERAL

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26-ORD-256

June 3, 2026

In re: Douglas Lindsey/Cabinet for Health and Family Services

Summary: The Office cannot find that the Cabinet for Health and Family Services (“the Cabinet”) violated the Open Records Act (“the Act”) because the Office cannot resolve the factual dispute between the parties concerning receipt of a request for records.

Open Records Decision

On February 27, 2026, Douglas Lindsey (“Appellant”) submitted a request to the Cabinet seeking records related to a particular Cabinet investigation. That request was directed to “CHFS.openrecords@ky.gov.” On May 1, 2026, claiming he had not received any response from the Cabinet, the Appellant initiated this appeal.

Under KRS 61.880(1), a public agency must respond within five business days after receipt of a request for records. Here, the Appellant claims the Cabinet failed to timely respond to his request. However, the Cabinet states it did not receive the request because the Appellant sent it to an incorrect email address. As the Office cannot adjudicate disputed issues of fact, such as whether an agency received a request to inspect records, the Office cannot find that the Cabinet failed to respond in a timely manner. *See, e.g.*, 25-ORD-403. Accordingly, the Office cannot find that the Cabinet violated the Act.

A party aggrieved by this decision may appeal it by initiating an action in the appropriate circuit court under KRS 61.880(5) and KRS 61.882 within 30 days from the date of this decision. Under KRS 61.880(3), the Attorney General shall be notified of any action in circuit court, but shall not be named as a party in that action or in any subsequent proceedings. The Attorney General will accept notice of the complaint emailed to OAGAppeals@ky.gov.

Russell Coleman
Attorney General

/s/ Zachary M. Zimmerer
Zachary M. Zimmerer
Assistant Attorney General

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Distributed to:

Douglas Lindsey, Appellant

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